

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Donnie Reed,

Case No. 4:14CV00528

Petitioner,

v.

**ORDER**

Michelle Miller,

Petitioner.

This is a habeas corpus case under 18 U.S.C. § 2254. Petitioner, who pled guilty to a reduced charge of homicide, having been indicted for murder, raises several challenges to his conviction. The Magistrate Judge to whom the case was referred found it unnecessary to consider any of the claims on their merits; instead, in his Report & Recommendation (Doc. 12), he concludes that the petition is untimely under the Anti-Terrorism and Effective Death Penalty Act. 28 U.S.C. § 2244(d).

Petitioner has not filed objections to the Report & Recommendation. The return of writ indicates that petitioner has been released from confinement and is subject to the authority of the Ohio Adult Parole Authority. (Doc. 9, at 1).

There is no indication in the docket that the Postal Service returned the Report & Recommendation as undeliverable, so, presumptively, the petitioner received it.

Despite the lack of objection, I have reviewed the Report & Recommendation *de novo*. I find that the Magistrate Judge accurately computed the time between when the AEDPA clock began to run, when it expired, and the lapse of time (about twenty-one months) until the petitioner filed his

petition. That being so, the Report & Recommendation is well-taken.

It is, therefore,

ORDERED THAT: the Magistrate's Report & Recommendation (Doc. 12) be, and the same hereby is, adopted as the order of this court, and the petition for a writ of habeas corpus (Doc. 1) be, and the same hereby is, denied.

No certificate of appealability shall issue, as jurists of reason could not reasonably dispute the rational of this order or the result it reaches.

So ordered.

/s/ James G. Carr  
Sr. U.S. District Judge